

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2021**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2021

**Michael Barrett
State Public Defender, Director
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Jefferson City, Missouri 65101**

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October 1, 2019

Dear Governor Parson

I wish to extend my appreciation to you for approving the Missouri State Public Defender's (MSPD) FY2020 budget, which includes the reinstatement of two juvenile advocacy units. Thanks to you, and the legislature, MSPD will now be able to provide representation to juvenile defendants who are poor and face a potential loss of liberty. If we are successful in diverting just 26 children away from the Department of Corrections, where they have a 41% recidivism rate, and to the Department of Social Services, where the children will receive services that generate only an 11-14% recidivism rate, each unit will have paid for itself. This is an effective policy that not only improves the future for at-risk juveniles, but will also reduce the prison population by ensuring better outcomes for system-involved youth.

The critical decision item that was not recommended by your office nor recommended by the General Assembly, and, hence did not reach your desk for final approval was funding to eliminate the growing wait list of indigent defendants who are currently charged but do not yet have a public defender assigned. For years, public defenders took an unlimited number of cases regardless of whether they had time to do the work that is required under an attorney's ethical obligations. However, in recent years, the Missouri Supreme Court has taken steps to punish public

defenders who do just that, thus placing MSPD in the untenable situation of having to maintain client wait lists or face action against their bar licenses. What's more, assigning clients to lawyers who do not have time to work on their case only artificially increases the prison population. The state wants public defenders to investigate cases and talk to witnesses and do additional things that are required; only then will MSPD be able to perform its function of helping the state reconcile, not just the innocent from the guilty, but those who go to prison, at a considerable cost to taxpayers, and those who could be effectively managed in the community. With more funding, MSPD can contract with private attorneys to eliminate this backlog of cases.

In order to achieve this end, I respectfully submit to you MSPD's 38th budget request for Fiscal Year 2021, which was approved by the Public Defender Commission. This request reflects the resources that are needed to meet the statutory obligations of MSPD, which are also the constitutional obligations of the State of Missouri.

Very truly yours,

Michael Barrett
Director, Missouri State Public Defender

**State Public Defender
2021 Legislative Budget Request
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PROGRAM DESCRIPTION

Department: Office of the State Public Defender
Program Name: Public Defender

HB Section(s): HB 12.400

Program is found in the following core budget(s):

**This program is found in all MSPD core budgets.
MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.**

1a. What strategic priority does this program address?

The single overriding goal of the Office of the Missouri State Public Defender System is to provide effective criminal defense representation for its clients fulfilling the office's constitutional mandate. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity, efficiencies, whereby reducing costs and eliminating waste in the processes and operations that deliver such services.

1b. What does this program do?

The Missouri State Public Defender System [MSPD] is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes in Missouri's trial, appellate, and Supreme courts. Carrying out these functions fulfills the state's obligation to provide the right to counsel under the state and U.S. Constitutions to those who cannot afford it.

2a. Provide an activity measure(s) for the program.

In Fiscal Year 2019, The Missouri State Public Defender System's 329 Trial lawyers closed 61,296 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state's taxpayers of just \$475 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.

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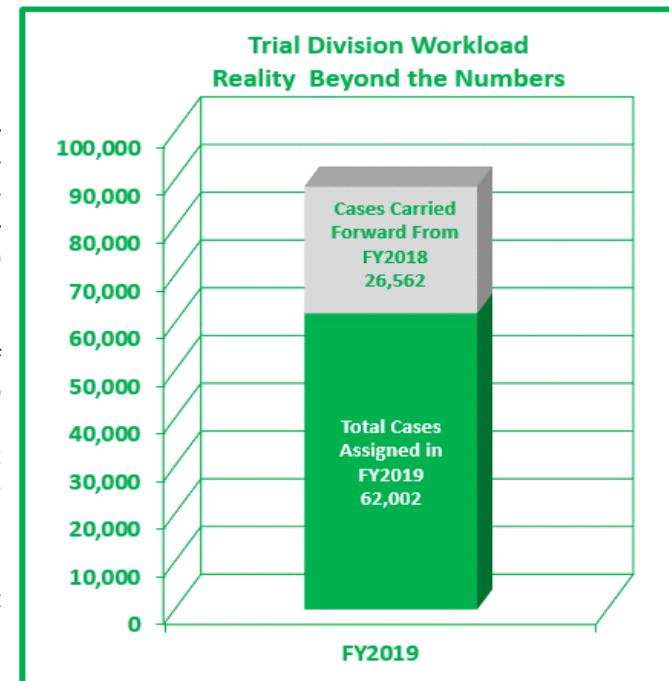
2b. Provide a measure(s) of the program's quality.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

2c. Provide a measure(s) of the program's impact.

In FY2019, MSPD provided representation in 73076 new cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.

In addition to the cases opened in Fiscal Year 2019, public defenders must provide representation in those cases that were opened in prior fiscal years and have not yet been closed, as the table on the right illustrates.



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2d. Provide a measure(s) of the program's efficiency.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

- (1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.
- (2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.
- (3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. *See, ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation, May 13, 2006.*

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Over the last ten years, the issue of Missouri Public Defender's workload has been the subject of five different studies: one by a Missouri Bar Task Force, two by *The Spangenberg Group*, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled *The Missouri Project*. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.

The most recent ABA study, conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation).

When these case weights are applied to MSPD's caseload, the number of staff MSPD would need to meet its existing caseload is 327 additional attorneys (see case weight metrics below). 6 attorneys are requested during this budget cycle to begin to address this shortfall. 6 additional attorneys are requested in a separate Springfield Appellate Office decision item

ABA/RubinBrown Workload Study Hours Per Type of Case	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

PROGRAM DESCRIPTION

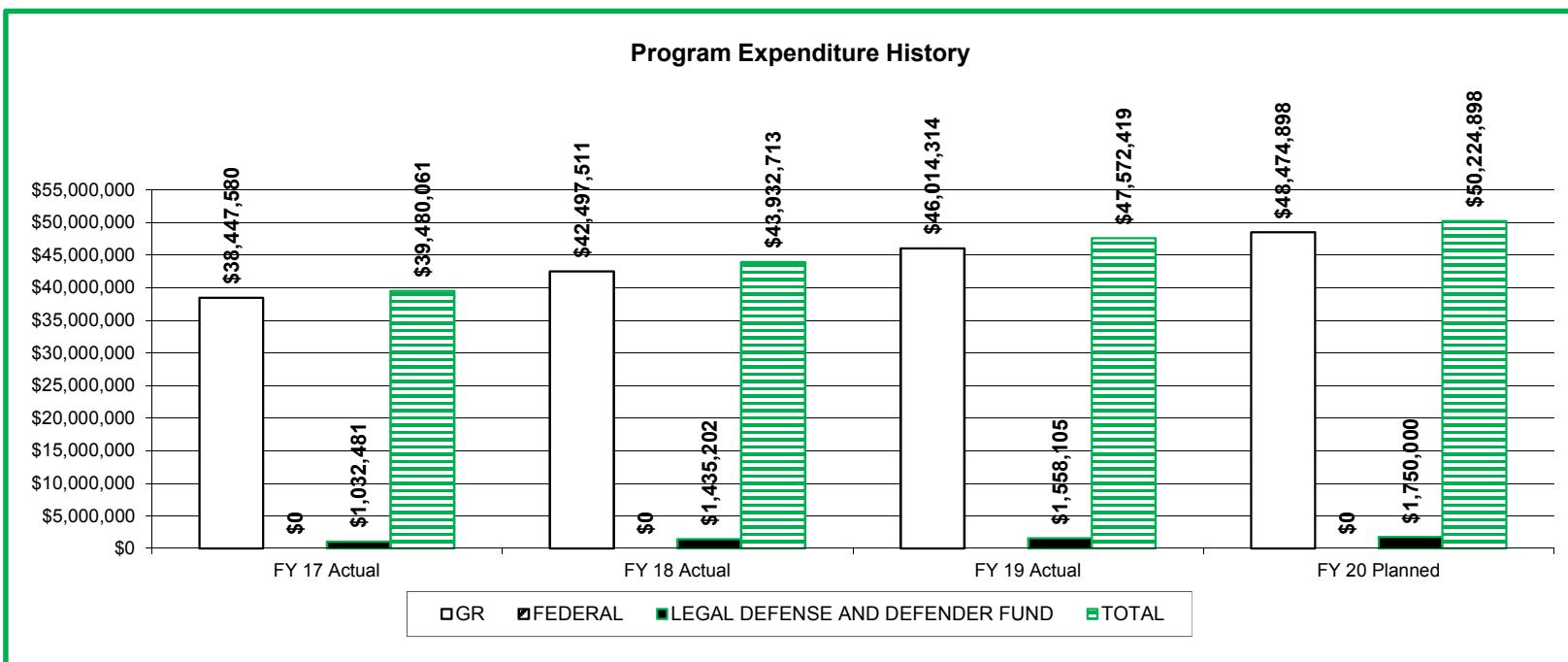
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3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (Note: Amounts do not include fringe benefit costs.)



4. What are the sources of the "Other" funds?

Legal Defense and Defender Fund - Collections from Client fees.

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5. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.

Amend VI, U.S. Constitution

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .

That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.

Article I, Section 18(a), Missouri Constitution.

6. Are there federal matching requirements? If yes, please explain.

No

7. Is this a federally mandated program? If yes, please explain.

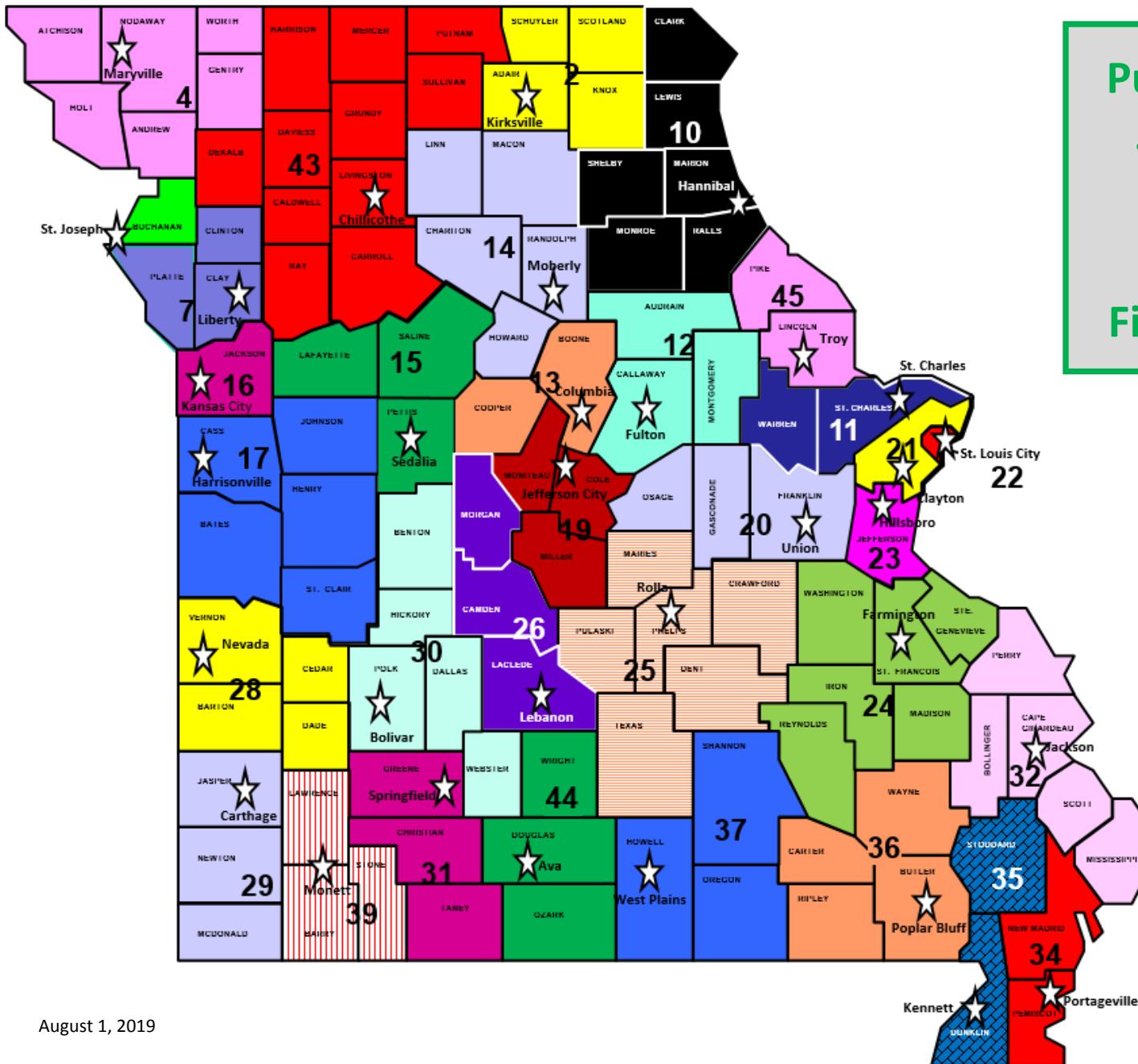
Yes -

The Provision of counsel to indigent defendants facing prosecution and potential loss of their liberty if federally mandated the United States Constitution.

"In all criminal prosecutions, the accused shall enjoy the right to...have the assistance of counsel for his defence."

Amend VI, U.S. Constitution Bill of Rights.

Missouri State Public Defender System Cases Assigned by Case Type Does Not Include Wait List (Rule 4) Cases												
Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Case load	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed (No Conflicts)
FY19	174	227	43,241	43,642	11,275	976	1,107	68	15,566	442	73,076	63,128
FY18	194	203	43,064	43,461	12,167	1,074	1,309	158	16,805	445	75,419	71,329
FY17	179	195	45,364	45,738	16,487	1,617	1,264	458	19,405	843	85,812	78,629
FY16	187	138	42,276	42,601	16,121	1,677	829	204	18,557	766	80,755	71,934
FY15	167	148	37,879	38,194	14,853	1,831	916	174	16,831	799	73,598	71,464
FY14	129	138	38,554	38,821	15,228	1,830	939	166	17,460	752	75,196	72,197
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730



Public Defender Trial Division District Map Fiscal Year 2019

State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM RANKING

Budgeting Unit Decision Item Fund	Rank	FY 2021 DEPT REQ DOLLAR	FY 2021 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN	CUMULATIVE TOTAL DOLLARS	CUMULATIVE TOTAL FTE
OFFICE OF THE DIRECTOR							
CORE	001						
GENERAL REVENUE		43,753,827	613.13	0	0.00	0	0.00
TOTAL		43,753,827	613.13	0	0.00	0	0.00
EXTRAORDINARY EXPENSE/CONFLICT							
CORE	001						
GENERAL REVENUE		4,721,071	0.00	0	0.00	0	0.00
TOTAL		4,721,071	0.00	0	0.00	0	0.00
LEGAL DEFENSE & DEFENDER FUND							
CORE	001						
LEGAL DEFENSE AND DEFENDER		3,000,896	2.00	0	0.00	0	0.00
TOTAL		3,000,896	2.00	0	0.00	0	0.00
GRANTS							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		125,000	0.00	0	0.00	0	0.00
TOTAL		125,000	0.00	0	0.00	0	0.00
MILEAGE REIMBURSEMENT							
CORE	001						
GENERAL REVENUE		0	0.00	0	0.00	0	0.00
LEGAL DEFENSE AND DEFENDER		0	0.00	0	0.00	0	0.00
TOTAL		0	0.00	0	0.00	0	0.00
OFFICE OF THE DIRECTOR							
Pay Plan FY20-Cost to Continue - 0000013	002						
GENERAL REVENUE		504,529	0.00	0	0.00	0	0.00
TOTAL		504,529	0.00	0	0.00	0	0.00
Mileage Reimburse Rate Incr - 0000015	002						
GENERAL REVENUE		145,376	0.00	0	0.00	0	0.00
TOTAL		145,376	0.00	0	0.00	0	0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM RANKING

Budgeting Unit Decision Item Fund	Rank	FY 2021 DEPT REQ DOLLAR	FY 2021 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN	CUMULATIVE TOTAL DOLLARS	FTE
LEGAL DEFENSE & DEFENDER FUND							
Pay Plan FY20-Cost to Continue - 0000013	002						
LEGAL DEFENSE AND DEFENDER		2,053	0.00	0	0.00	0	0.00
TOTAL		2,053	0.00	0	0.00	0	0.00
Mileage Reimburse Rate Incr - 0000015	002						
LEGAL DEFENSE AND DEFENDER		11,250	0.00	0	0.00	0	0.00
TOTAL		11,250	0.00	0	0.00	0	0.00
OFFICE OF THE DIRECTOR							
Wait List Elimination - 1151001	005						
GENERAL REVENUE		3,349,000	0.00	0	0.00	0	0.00
TOTAL		3,349,000	0.00	0	0.00	0	0.00
Information Technology Replace - 1151002	005						
GENERAL REVENUE		1,288,890	0.00	0	0.00	0	0.00
TOTAL		1,288,890	0.00	0	0.00	0	0.00
Springfield Appellate Office - 1151003	005						
GENERAL REVENUE		595,892	9.00	0	0.00	0	0.00
TOTAL		595,892	9.00	0	0.00	0	0.00
Contract Fee Rates - 1151004	005						
GENERAL REVENUE		2,309,259	0.00	0	0.00	0	0.00
TOTAL		2,309,259	0.00	0	0.00	0	0.00
Constitutionally Mandated Rep - 1151005	005						
GENERAL REVENUE		503,906	8.00	0	0.00	0	0.00
TOTAL		503,906	8.00	0	0.00	0	0.00
GRANTS							
Increase Federal & Other Auth. - 1151006	005						
PUBLIC DEFENDER-FEDERAL & OTHR		500,000	0.00	0	0.00	0	0.00
TOTAL		500,000	0.00	0	0.00	0	0.00
GRAND TOTAL		\$60,810,949	632.13	\$0	0.00		

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Summary	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
Fund								
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	32,614,679	596.17	35,053,587	613.13	35,053,587	613.13	0	0.00
TOTAL - PS	32,614,679	596.17	35,053,587	613.13	35,053,587	613.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	8,678,566	0.00	8,554,864	0.00	8,700,240	0.00	0	0.00
TOTAL - EE	8,678,566	0.00	8,554,864	0.00	8,700,240	0.00	0	0.00
TOTAL	41,293,245	596.17	43,608,451	613.13	43,753,827	613.13	0	0.00
Pay Plan FY20-Cost to Continue - 0000013								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	504,529	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	504,529	0.00	0	0.00
TOTAL	0	0.00	0	0.00	504,529	0.00	0	0.00
Mileage Reimburse Rate Incr - 0000015								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	145,376	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	145,376	0.00	0	0.00
TOTAL	0	0.00	0	0.00	145,376	0.00	0	0.00
Wait List Elimination - 1151001								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	3,349,000	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	3,349,000	0.00	0	0.00
TOTAL	0	0.00	0	0.00	3,349,000	0.00	0	0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit	FY 2019 Decision Item Budget Object Summary Fund	FY 2019 ACTUAL DOLLAR	FY 2019 ACTUAL FTE	FY 2020 BUDGET DOLLAR	FY 2020 BUDGET FTE	FY 2021 DEPT REQ DOLLAR	FY 2021 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
OFFICE OF THE DIRECTOR									
Information Technology Replace - 1151002									
EXPENSE & EQUIPMENT									
GENERAL REVENUE		0	0.00		0	0.00		1,288,890	0.00
TOTAL - EE		0	0.00		0	0.00		1,288,890	0.00
TOTAL		0	0.00		0	0.00		1,288,890	0.00
Springfield Appellate Office - 1151003									
PERSONAL SERVICES									
GENERAL REVENUE		0	0.00		0	0.00		491,352	9.00
TOTAL - PS		0	0.00		0	0.00		491,352	9.00
EXPENSE & EQUIPMENT									
GENERAL REVENUE		0	0.00		0	0.00		104,540	0.00
TOTAL - EE		0	0.00		0	0.00		104,540	0.00
TOTAL		0	0.00		0	0.00		595,892	9.00
Contract Fee Rates - 1151004									
EXPENSE & EQUIPMENT									
GENERAL REVENUE		0	0.00		0	0.00		2,309,259	0.00
TOTAL - EE		0	0.00		0	0.00		2,309,259	0.00
TOTAL		0	0.00		0	0.00		2,309,259	0.00
Constitutionally Mandated Rep - 1151005									
PERSONAL SERVICES									
GENERAL REVENUE		0	0.00		0	0.00		431,856	8.00
TOTAL - PS		0	0.00		0	0.00		431,856	8.00
EXPENSE & EQUIPMENT									
GENERAL REVENUE		0	0.00		0	0.00		72,050	0.00
TOTAL - EE		0	0.00		0	0.00		72,050	0.00
TOTAL		0	0.00		0	0.00		503,906	8.00
GRAND TOTAL		\$41,293,245	596.17	\$43,608,451	613.13	\$52,450,679	630.13	\$0	0.00

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CORE DECISION ITEM

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender</u>	
Core: <u>Legal Services</u>	HB Section <u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2021 Budget Request				FY 2021 Governor's Recommendation			
	GR	Federal	Other	Total	GR	Federal	Other	Total
PS	35,553,587	0	0	35,553,587	PS	0	0	0
EE	8,200,240	0	0	8,200,240	EE	0	0	0
PSD	0	0	0	0	PSD	0	0	0
TRF	0	0	0	0	TRF	0	0	0
Total	43,753,827	0	0	43,753,827	Total	0	0	0
FTE	615.13	0.00	0.00	615.13	FTE	0.00	0.00	0.00
<i>Est. Fringe</i>	<i>19,755,094</i>	<i>0</i>	<i>0</i>	<i>19,755,094</i>	<i>Est. Fringe</i>	<i>0</i>	<i>0</i>	<i>0</i>

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate, and supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor.

This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff. It also includes partial funding for assigning conflict cases to private counsel.

3. PROGRAM LISTING (list programs included in this core funding)

The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

CORE DECISION ITEM

Department: Office of the State Public Defender
 Division: Public Defender
 Core: Legal Services

Budget Unit 15111C

HB Section HB 12.400

4. FINANCIAL HISTORY

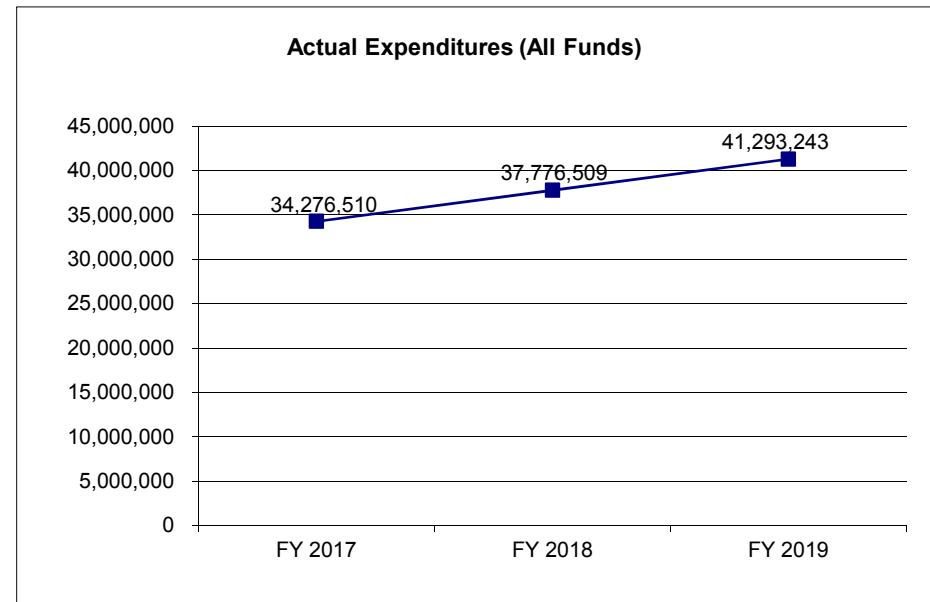
	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Current Yr.
Appropriation (All Funds)	37,776,510	37,776,510	41,293,244	48,474,898
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	(3,500,000)	0	0	0
Budget Authority (All Funds)	34,276,510	37,776,510	41,293,244	48,474,898
Actual Expenditures (All Funds)	<u>34,276,510</u>	<u>37,776,509</u>	<u>41,293,243</u>	N/A
Unexpended (All Funds)	<u>0</u>	<u>1</u>	<u>1</u>	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Current Year restricted amount is \$0.00 as of September 16, 2019.

Reverted includes the statutory three percent reserve amount (when applicable).

Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	34,210	0.94	0	0.00	0	0.00	0	0.00
SECRETARY	3,665,076	121.73	3,892,968	124.63	3,916,924	125.25	0	0.00
COMPUTER INFO. SPECIALIST	291,719	5.54	468,414	8.00	480,468	7.88	0	0.00
INVESTIGATOR	2,211,796	55.74	2,411,858	60.00	2,433,994	60.00	0	0.00
PARALEGAL	178,702	4.50	179,066	4.50	184,030	4.50	0	0.00
MITIGATION SPECIALIST	338,125	7.89	436,370	10.00	428,374	10.00	0	0.00
ASSISTANT PUBLIC DEFENDER	20,504,138	335.75	22,063,398	343.00	22,011,092	341.00	0	0.00
DISTRICT DEFENDER	3,877,141	43.86	4,129,013	45.00	4,046,729	45.00	0	0.00
DIVISION DIRECTOR	421,156	3.51	496,533	4.00	489,626	4.00	0	0.00
PROGRAM TECHNICIAN	189,292	4.66	241,099	6.00	380,829	8.00	0	0.00
PROGRAM MANAGER	753,672	11.05	582,219	7.00	529,752	6.50	0	0.00
DIRECTOR	149,652	1.00	152,649	1.00	151,769	1.00	0	0.00
TOTAL - PS	32,614,679	596.17	35,053,587	613.13	35,053,587	613.13	0	0.00
TRAVEL, IN-STATE	865,645	0.00	928,567	0.00	1,010,376	0.00	0	0.00
TRAVEL, OUT-OF-STATE	17,086	0.00	10,000	0.00	20,000	0.00	0	0.00
FUEL & UTILITIES	50,395	0.00	45,000	0.00	50,000	0.00	0	0.00
SUPPLIES	267,708	0.00	409,100	0.00	275,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	3,944	0.00	145,000	0.00	5,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	600,998	0.00	527,960	0.00	605,000	0.00	0	0.00
PROFESSIONAL SERVICES	5,691,695	0.00	4,990,000	0.00	5,522,864	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	120,496	0.00	120,000	0.00	120,000	0.00	0	0.00
M&R SERVICES	149,418	0.00	270,000	0.00	150,000	0.00	0	0.00
COMPUTER EQUIPMENT	5,176	0.00	35,000	0.00	10,000	0.00	0	0.00
MOTORIZED EQUIPMENT	0	0.00	26,000	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	11,024	0.00	32,000	0.00	12,000	0.00	0	0.00
OTHER EQUIPMENT	242	0.00	21,000	0.00	5,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	808,095	0.00	885,237	0.00	810,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	28,483	0.00	60,000	0.00	30,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	58,161	0.00	50,000	0.00	50,000	0.00	0	0.00
TOTAL - EE	8,678,566	0.00	8,554,864	0.00	8,700,240	0.00	0	0.00
GRAND TOTAL	\$41,293,245	596.17	\$43,608,451	613.13	\$43,753,827	613.13	\$0	0.00
GENERAL REVENUE	\$41,293,245	596.17	\$43,608,451	613.13	\$43,753,827	613.13		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 15111C BUDGET UNIT NAME: Office of the State Public Defender - Legal Services HOUSE BILL SECTION: 12.400	DEPARTMENT: Office of the State Public Defender DIVISION: Director's Office - Legal Services
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1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

DEPARTMENT REQUEST

As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$798,999	\$1,250,000	\$1,250,000

3. Please explain how flexibility was used in the prior and/or current years.

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$798,999 was transferred from Personal Service (0911) to Expense & Equipment (0912) to cover a significant shortage in litigation costs, general operating costs and \$187,938 of additional conflict/overload cases paid to private counsel.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service vacancy savings could be used to meet the costs of operating the local offices or to contract out cases to private bar as the need arises or to pay for increasing necessary litigation expenses.

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Summary	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
MILEAGE REIMBURSEMENT								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	145,376	0.00	0	0.00	0	0.00
LEGAL DEFENSE AND DEFENDER	0	0.00	11,250	0.00	0	0.00	0	0.00
TOTAL - EE	0	0.00	156,626	0.00	0	0.00	0	0.00
TOTAL	0	0.00	156,626	0.00	0	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$156,626	0.00	\$0	0.00	\$0	0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	ACTUAL DOLLAR	FTE	BUDGET DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
MILEAGE REIMBURSEMENT								
CORE								
TRAVEL, IN-STATE	0	0.00	156,626	0.00	0	0.00	0	0.00
TOTAL - EE	0	0.00	156,626	0.00	0	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$156,626	0.00	\$0	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$145,376	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$11,250	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 2 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C	
Division: Office of the State Public Defender			
DI Name	Pay Plan - FY 2020 Cost to Continue	DI# 0000013	HB Section 12.400
1. AMOUNT OF REQUEST			
FY 2021 Budget Request			
	GR	Federal	Other
PS	504,529	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	504,529	0	504,529
FY 2021 Governor's Recommendation			
	GR	Federal	Other
PS	0	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	0	0	0
FTE	0.00	0.00	0.00
Est. Fringe	161,954	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>			
Other Funds:		Other Funds:	
2. THIS REQUEST CAN BE CATEGORIZED AS:			
<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch	
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue	
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement	
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other:		
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.			
<p>The FY 2020 budget includes appropriation authority for a 3% pay increase for employees beginning January 1, 2020. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2021.</p>			

NEW DECISION ITEM
RANK: 2 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Office of the State Public Defender</u>	
DI Name <u>Pay Plan - FY 2020 Cost to Continue</u>	DI# <u>0000013</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 2020 pay plan was based on a 3% pay increase for employees beginning January 1, 2020. The Fiscal Year 2021 requested amount is equivalent to the remaining six months in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
100-Salaries and Wages	504,529						0	504,529	0.0
Total PS	504,529	0.0	0	0.0	0	0.0	504,529	0.0	0
Grand Total	504,529	0.0	0	0.0	0	0.0	504,529	0.0	0

Cost to Continue Fiscal Year 2020 Pay Plan
Legal Services - General Revenue

Job Class	Number of FTE	FY 2021 Cost to Continue
Secretary	125.25	\$55,837
Computer Info. Specialist	7.88	\$6,922
Program Technician	8.00	\$3,563
Investigator	60.00	\$34,709
Paralegal	4.50	\$2,646
Mitigation Specialist	10.00	\$5,232
Assistant Public Defender	341.00	\$318,957
District Defender	45.00	\$58,465
Program Manager	6.50	\$8,604
Division Directors & Deputy Dir.	4.00	\$7,338
Director	1.00	\$2,256
	613.13	\$504,529

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Pay Plan FY20-Cost to Continue - 0000013								
SECRETARY	0	0.00	0	0.00	55,837	0.00	0	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	6,922	0.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	34,709	0.00	0	0.00
PARALEGAL	0	0.00	0	0.00	2,646	0.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	5,232	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	318,957	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	58,465	0.00	0	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	7,338	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	3,563	0.00	0	0.00
PROGRAM MANAGER	0	0.00	0	0.00	8,604	0.00	0	0.00
DIRECTOR	0	0.00	0	0.00	2,256	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	504,529	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$504,529	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$504,529	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM

RANK: 2 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C	
Division: Public Defender			
DI Name	Mileage Reimbursement Rate Increase	DI#	0000015
		HB Section 12.400	
1. AMOUNT OF REQUEST			
FY 2021 Budget Request			
	GR	Federal	Other
PS	0	0	0
EE	145,376	0	0
PSD	0	0	0
TRF	0	0	0
Total	145,376	0	0
FY 2021 Governor's Recommendation			
	GR	Federal	Other
PS	0	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	0	0	0
FTE	0.00	0.00	0.00
FTE	0.00	0.00	0.00
Est. Fringe	0	0	0
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.			
Other Funds:		Other Funds:	
2. THIS REQUEST CAN BE CATEGORIZED AS:			
<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch	
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue	
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement	
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Mileage Reimbursement Rate Increase		
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.			
<p>Departments were appropriated FY 2020 funding for a \$.06 increase in the mileage reimbursement rate, from \$.37 to \$.43, the first year of a proposed three-year \$.18 increase. This request is for an additional \$.06 increase, which would bring the mileage reimbursement rate to \$.49.</p>			

NEW DECISION ITEM
 RANK: 2 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
DI Name Mileage Reimbursement Rate Increase	DI# 0000015
	HB Section 12.400
4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)	

This request will increase the State of Missouri mileage reimbursement rate from \$.43 to \$.49. As can be seen in the table below, the current federal mileage reimbursement rate is \$.58.

Mileage Reimbursement Rates

	Jan. 1, 2013 - Dec. 31, 2013	Jan. 1, 2014 - Dec. 31, 2014	Jan. 1, 2015 - Dec. 31, 2015	Jan. 1, 2016 - Dec. 31, 2016	Jan. 1, 2017 - Dec. 31, 2017	Jan. 1, 2018 - Dec. 31, 2018	Jan. 1, 2019 - June 30, 2019	July 1, 2019 - June 30, 2020
IRS	56.5	56	57.5	54	53.5	54.5	58	58
State of Missouri	37	37	37	37	37	37	37	43

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time DOLLARS
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Travel /140							145,376		0
									0
Total EE	145,376		0		0		145,376		0
Grand Total	145,376	0.0	0	0.0	0	0.0	145,376	0.0	0

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Mileage Reimburse Rate Incr - 0000015								
TRAVEL, IN-STATE	0	0.00	0	0.00	145,376	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	145,376	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$145,376	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$145,376	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C	
Division: Legal Services			
DI Name: Wait List Elimination	DI#: 1151001		HB Section 12.400
1. AMOUNT OF REQUEST			
FY 2021 Budget Request			
	GR	Federal	Other
PS	0	0	0
EE	3,349,000	0	0
PSD	0	0	0
TRF	0	0	0
Total	3,349,000	0	3,349,000
FY 2021 Governor's Recommendation			
	GR	Federal	Other
PS	0	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	0	0	0
FTE	0.00	0.00	0.00
Est. Fringe	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>			
Other Funds:		Other Funds:	
2. THIS REQUEST CAN BE CATEGORIZED AS:			
New Legislation	New Program	Fund Switch	
Federal Mandate	Program Expansion	Cost to Continue	
GR Pick-Up	Space Request	Equipment Replacement	
Pay Plan	<input checked="" type="checkbox"/> Other: <u>Constitutionally Mandated Representation.</u>		

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C	
Division: Legal Services		
DI Name: Wait List Elimination	DI#: 1151001	HB Section 12.400

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

As of June 30, 2019, in 14 of MSPD's 33 trial offices there were 5,054 qualified criminal defendants on "wait lists". In addition, two of MSPD's appellate offices had 78 cases placed on wait lists. Approximately, eighteen (18) months ago these wait lists stood at zero.

The Missouri State Public Defender System has lacked resources for years to adequately address its caseloads. The system has accepted the cases assigned to it without regard to the individual attorney's caseloads. In September 2017, the Supreme Court ruled that Public Defenders ethical standards are not mitigated by an excessive caseload. The wait lists and the numerous motions filed across the state pursuant to RSMo. 600.063 are the direct result of MSPD's attorneys struggling to reduce their caseloads to avoid ethical complaints about the quality of their representation. Many trial judges are ordering Public Defenders into representation notwithstanding their assertion that they cannot ethically provide representation in any additional cases.

This funding would allow MSPD to eliminate these wait lists without adding a single new FTE; rather it would the funding to contract with private attorneys to provide representation and eliminate the existing wait lists.

NEW DECISION ITEM
RANK: 5 OF 5

<p>Department: Office of the State Public Defender</p> <p>Division: Legal Services</p> <p>DI Name: Wait List Elimination</p>	<p>Budget Unit 15111C</p> <p>DI#: 1151001</p> <p>HB Section 12.400</p>			
<p>4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)</p>				
Type Code	Case Type	Trial & Appellate Division Cases	Contract Fee	Cost
Wait List				
20	Other Homicide	4	\$12,000	\$48,000
30D	AB Felony Drug	24	\$750	\$18,000
30F	AB Felony Other	122	\$1,500	\$183,000
30X	AB Felony Sex	28	\$2,000	\$56,000
35D	CDE Felony Drug	1,271	\$750	\$953,250
35F	CDE Felony Other	1,722	\$750	\$1,291,500
35X	CDE Felony Sex	19	\$1,500	\$28,500
45M	Misdemeanor	1,118	\$375	\$419,250
45T	Misdemeanor - Traffic	218	\$375	\$81,750
50N	Juvenile - Non Violent	8	\$500	\$4,000
50S	Juvenile - Status	4	\$500	\$2,000
50V	Juvenile - Violent	18	\$750	\$13,500
60	552 Release Petitions	2	\$500	\$1,000
65F	Probation Violation - Felony	384	\$375	\$144,000
65M	Probation Violation - Misd	112	\$375	\$42,000
110F	Direct Appeals - Felony	1	\$3,750	\$3,750
124M	Rule 24.035 Motion	70	\$750	\$52,500
129M	Rule 29.15 Motion	7	\$1,000	\$7,000

NEW DECISION ITEM
 RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>								
Division: <u>Legal Services</u>									
DI Name: <u>Wait List Elimination</u>	<u>DI#:</u> <u>1151001</u>	<u>HB Section</u> <u>12.400</u>							
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
400 / Professional Costs	3,349,000				3,349,000		0	0	
Total EE	<u>3,349,000</u>		<u>0</u>		<u>0</u>		<u>3,349,000</u>		<u>0</u>
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	<u>3,349,000</u>	0.0	0	0.0	0	0.0	3,349,000	0.0	0

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Wait List Elimination - 1151001								
PROFESSIONAL SERVICES	0	0.00	0	0.00	3,349,000	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	3,349,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$3,349,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$3,349,000	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C	
Division: Legal Services			
DI Name: Information Technology	DI# 1151002		HB Section 12.400
1. AMOUNT OF REQUEST			
FY 2021 Budget Request			
	GR	Federal	Other
PS	0	0	0
EE	1,288,890	0	0
PSD	0	0	0
TRF	0	0	0
Total	1,288,890	0	1,288,890
FY 2021 Governor's Recommendation			
	GR	Federal	Other
PS	0	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	0	0	0
FTE	0.00	0.00	0.00
Est. Fringe	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>			
Other Funds:		Other Funds:	
2. THIS REQUEST CAN BE CATEGORIZED AS:			
New Legislation	New Program	Fund Switch	
Federal Mandate	Program Expansion	Cost to Continue	
GR Pick-Up	Space Request	<input checked="" type="checkbox"/>	Equipment Replacement
Pay Plan	Other:		

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C	
Division: Legal Services		
DI Name: Information Technology	DI# 1151002	HB Section 12.400

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

New and replacement computer equipment for the Missouri State Public Defender (MSPD) has historically been funded by the Legal Defense and Defender Fund. These are funds collected from Public Defender clients, mainly through the Department of Revenue's Debt offset program. In Fiscal Year2019, MSPD experienced a significant reduction in the amount of monies collected and the monies available to fund replacement computer equipment. The reduction is due to several factors, including:

- The Department of Revenue implemented a new collection system. There were significant challenges with the new debt offset system delaying transfers of funds to the Legal Defense and Defender fund. In addition, the priority of interceptions was changed, so MSPD is further down the lists on departments receiving debt offset interceptions.
- The monies collected are routinely used to supplement the General Revenue monies available to MSPD for the daily operations of the local public defender offices. These costs include: Westlaw, Missouri Bar Dues, office moves, copy machine replacements, and annual maintenance agreements on required operating software. As day-to day departmental operating costs and litigation costs increase without a corresponding increase in General Revenue, the Legal Defense and Defender will no longer be able to fund new and replacement computer equipment.

NEW DECISION ITEM
 RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Information Technology</u>	DI# <u>1151002</u>
HB Section <u>12.400</u>	

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

A significant portion of MSPD's computer equipment has reached typical end of life standards, as documented on the following page. Industry standards show the average life cycles of common hardware, (Source –Computerworld, Redemtech, Inc, and State of Texas, "Review of Replacement Schedules for Information Technology Equipment, January 2013.)

If MSPD were to replace all computer equipment that will be at the End of Life by the close of Fiscal Year 2021, the cost would exceed \$1.288 million. This new decision item is requesting a one time appropriation of \$773,640 to "catch-up" on the desired replacement schedule for computer equipment. The decision item is also requesting to increase MSPD's core operating costs in the amount of \$515,250 to allow for a planned, established replacement of computer technology equipment.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
480 / Computer Equipments	1,288,890						1,288,890		773,640
Total EE	<u>1,288,890</u>		<u>0</u>		<u>0</u>		<u>1,288,890</u>		<u>773,640</u>
Program Distributions							0		0
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	1,288,890	0.0	0	0.0	0	0.0	1,288,890	0.0	773,640

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender
Division: Legal Services
DI Name: Information Technology

DI# 1151002

Budget Unit 15111C
HB Section 12.400

Device	End of Life Expectancy
Laptop PC	3 Years
Desktop PC	4 Years
Server	5 Years
Networking Gear	5 Years
Monitors	8 Years

MISSOURI STATE PUBLIC DEFENDER INFORMATION TECHNOLOGY REPLACING/UPDATING END OF LIFE COMPUTER ITEMS			
DEVICE	5 + YEARS	COST	Total
LAPTOPS	439	\$1,200	\$526,800
MONITORS	375	\$130	\$48,750
WORKSTATIONS	232	\$700	\$162,400
PRINTERS (ALL TYPES)	102	\$650	\$66,300
SERVERS	61	\$4,500	\$274,500
SWITCHES	56	\$2,215	\$124,040
UPS	28	\$575	\$16,100
FIREWALLS	2	\$35,000	\$70,000
(Assumes 1/2 of the Switches, UPS, and Printers will be replaced the first year)			
			\$1,288,890

In order to ensure MSPD's equipment is updated to modern technology to run new systems and to comply with security standards, MSPD is seeking an ongoing \$500,000 to routinely update firewalls, laptops and desktop equipment. With an on-going, secured core - funding other outdated equipment, such as servers, switches and printers will be placed on a planned replacement schedule. Laptops and desktops will be added to the rotating schedule,

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Information Technology Replace - 1151002								
COMPUTER EQUIPMENT	0	0.00	0	0.00	1,288,890	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,288,890	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,288,890	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,288,890	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C	
Division: Legal Services			
DI Name: Springfield Appellate Office	DI# 1151003		HB Section 12.400
1. AMOUNT OF REQUEST			
FY 2021 Budget Request			
	GR	Federal	Other
PS	491,352	0	0
EE	104,540	0	0
PSD	0	0	0
TRF	0	0	0
Total	595,892	0	595,892
FY 2021 Governor's Recommendation			
	GR	Federal	Other
PS	0	0	0
EE	0	0	0
PSD	0	0	0
TRF	0	0	0
Total	0	0	0
FTE	9.00	0.00	0.00
Est. Fringe	279,782	0	279,782
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>			
Other Funds:		Other Funds:	
2. THIS REQUEST CAN BE CATEGORIZED AS:			
New Legislation	New Program	Fund Switch	
Federal Mandate	X Program Expansion	Cost to Continue	
GR Pick-Up	Space Request	Equipment Replacement	
Pay Plan	Other:		
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.			
<p>The Appellate/Post-conviction Division presents unique overload issues, which unlike Trial Division conflicts, are best addressed not through increased contracting to private counsel, but by the creation of an additional appellate/post-conviction office in Springfield, Missouri.</p>			

NEW DECISION ITEMRANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Springfield Appellate Office</u>	DI# <u>1151003</u>

The attorneys in this division represent defendants who have already been convicted of a crime and are raising issues of error in the judicial process that led to their conviction. Post-conviction counsel must always review and raise, where appropriate, the issue of ineffective assistance of the client's previous counsel. This means that the office that provides appellate representation for a client will always have a conflict handling that client's post-conviction proceedings, which is why MSPD has six appellate/post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each pair of offices is able to handle conflict cases for one another, without (most) of those cases having to be shipped across the state to one of the other two appellate/post-conviction office locations.

However, travel is still a significant problem in this division because of the nature of post-conviction proceedings, which take place in the circuit court of conviction. This means MSPD has five offices covering post-conviction proceedings in 114 counties plus the City of St. Louis. (Only one of the offices in Columbia handles post-conviction matters, the other handles only appellate cases.) The map on the following pages show how the counties are currently divided among the existing offices. As the map indicates, the heavier concentration of cases in the two urban areas of St. Louis and Kansas City leave the attorneys in those areas unable to take on as many counties as their Central Missouri counterparts are required to cover. But even with fewer cases coming in from each of the outstate (gray) counties, MSPD's Central PCR office is carrying a caseload at 260% of its attorney capacity. The amount of travel involved makes it an equation that is simply not sustainable.

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Legal Services	
DI Name: Springfield Appellate Office	DI# 1151003

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAPP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

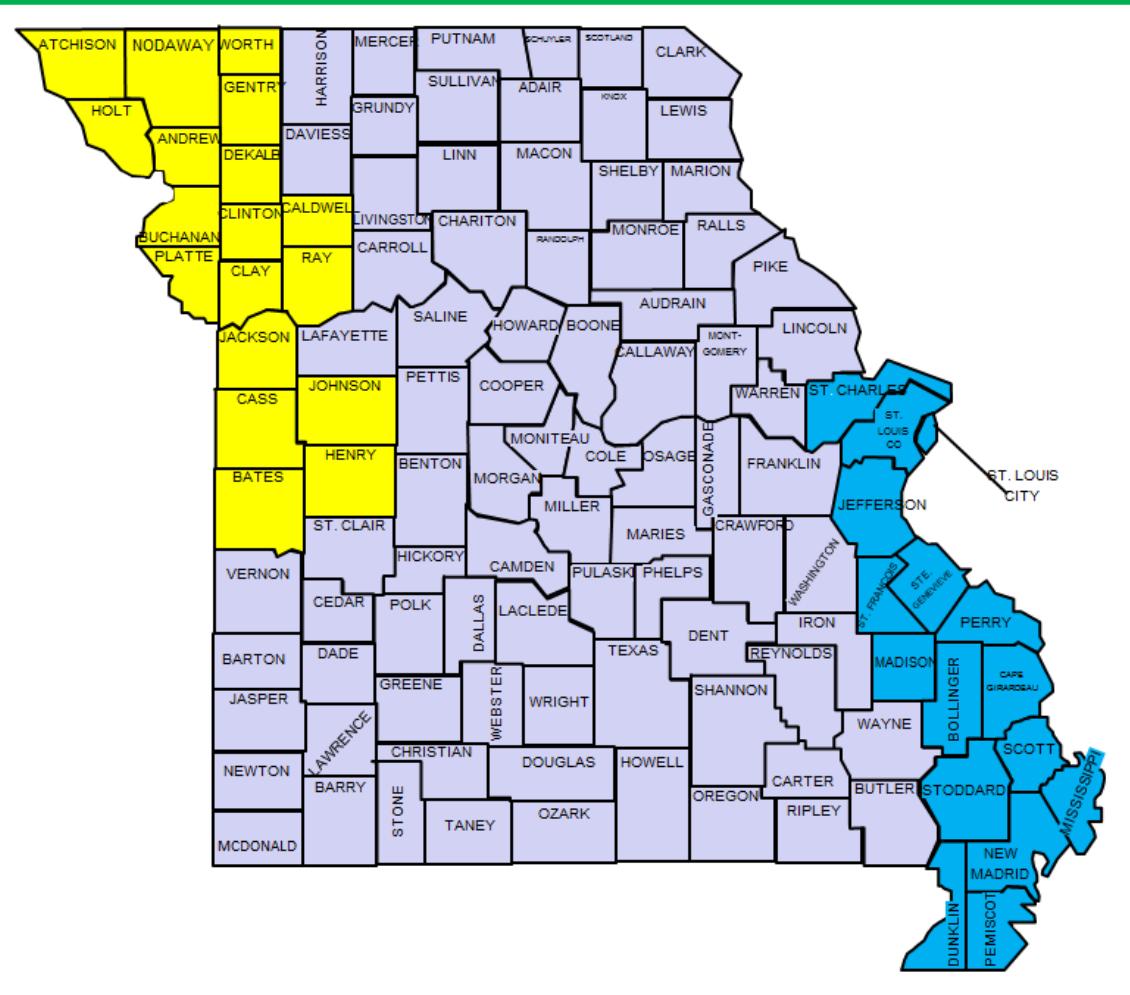
MSPD has attempted to reduce the travel burden on these offices by contracting out “remote-county PCR’s”, as they are known within the System, to local private counsel, but this approach has not been successful. Post-conviction practice is unique and very technical. Very few private attorneys have any experience, much less expertise, in these types of cases. MSPD’s attempts to contract these cases to private counsel have too frequently resulted in the cases having to be brought back in-System to correct significant, case-changing errors made by attorneys who are in over their heads. MSPD attempted to address this problem by offering training to private attorneys interested in taking these cases, but that, too, has proved insufficient to the task. Few accepted the opportunity and those who did, ended up taking these cases so infrequently that any benefit they may have received from the training has long since worn off by the time they get their next PCR.

Therefore, this decision item will address the problem by adding an additional office in Springfield. Missouri’s appellate courts are located in St. Louis, Kansas City, and Springfield (with the Supreme Court in Jefferson City), so the new office would be conveniently located to the appellate court, while also reducing the travel time associated with a majority of the post-conviction cases in southwest Missouri. As expected, given the fact that Springfield is Missouri’s third most populated city and Joplin is not far behind, the southwest region of the state accounts for a significant number of the post-conviction cases currently overloading the Central PCR office. Creating an additional Appellate/PCR office in Springfield will siphon these cases from the Columbia office, provide better service to the clients and courts in Southwest Missouri while reducing travel costs and freeing up time for the Columbia Central PCR attorneys to better handle the workload in the remainder of Missouri’s outstate counties.

NEW DECISION ITEM
 RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C								
Division: Legal Services										
DI Name: Springfield Appellate Office		DI# 1151003								
		HB Section 12.400								
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.										
Budget Object Class/Job Class		Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
C00200	Secretary	58,956	2.0					58,956	2.0	
C00300	Investigator	33,276	1.0					33,276	1.0	
C00400	Assistant Public Defender	309,480	5.0					309,480	5.0	
C00460	District Defender	89,640	1.0					89,640	1.0	
Total PS		491,352	9.0	0	0.0	0	0.0	491,352	9.0	0
140 / Travel		24,000						24,000		
190 / Supplies		5,400						5,400		
680 / Rent		61,250						61,250		
340 / Phones & Network Costs		6,390						6,390		
400 / Professional Costs		7,500						7,500		
Total EE		104,540		0		0		104,540		0
Program Distributions								0		
Total PSD		0		0		0		0		0
Transfers										
Total TRF		0		0		0		0		0
Grand Total		595,892	9.0	0	0.0	0	0.0	595,892	9.0	0

Current PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67

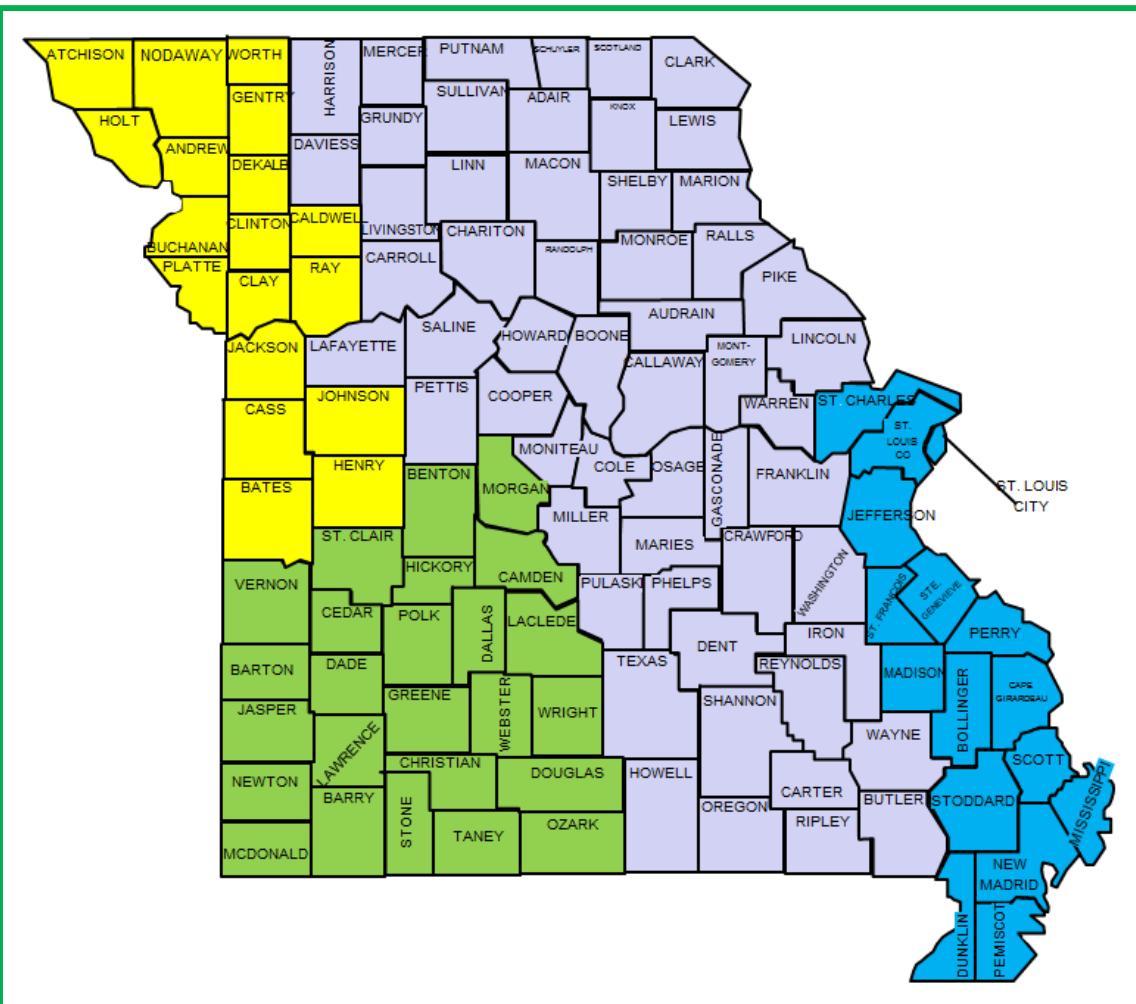
Eastern Appellate/PCR

Districts 51 & 68

Western Appellate/PCR

Districts 52 & 69

Proposed PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67

Eastern Appellate/PCR Districts 51 & 68

Western Appellate/PCR Districts 52 & 69

Proposed PCR Office District 66

**Missouri State Public Defender
SPRINGFIELD APPELLATE OFFICE**

<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>
District Defender	1.00	\$89,640	\$89,640
Assistant Public Defenders III	5.00	\$61,896	\$309,480
Legal Assistant	1.00	\$28,716	\$28,716
Investigator	1.00	\$33,276	\$33,276
Secretary	<u>1.00</u>	\$30,240	<u>\$30,240</u>
TOTAL PERSONAL SERVICE	9.00		\$491,352
Travel - \$250/ mo * 12 * 8 = Mileage			\$24,000
Supplies			\$3,000
Professional			\$7,500
Telephone \$90 * 11.50			\$990
Network Costs \$450 * 12 months			\$5,400
Postage \$300 * 12 months			\$2,400
Building Costs			<u>\$61,250</u>
TOTAL EXPENSE & EQUIPMENT			<u>\$104,540</u>
TOTAL COST			\$595,892

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Springfield Appellate Office - 1151003								
SECRETARY	0	0.00	0	0.00	58,956	2.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	33,276	1.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	309,480	5.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	89,640	1.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	491,352	9.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	24,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	5,400	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	6,390	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	7,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	61,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	104,540	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$595,892	9.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$595,892	9.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>11511C</u>
Division: Legal Services	
DI Name: Increased Contract Counsel Fees	DI# <u>1151004</u>

1. AMOUNT OF REQUEST

	FY 2021 Budget Request				FY 2021 Governor's Recommendation			
	GR	Federal	Other	Total	GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0
EE	2,309,259	0	0	2,309,259	EE	0	0	0
PSD	0	0	0	0	PSD	0	0	0
TRF	0	0	0	0	TRF	0	0	0
Total	2,309,259	0	0	2,309,259	Total	0	0	0

FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

New Legislation	New Program	Fund Switch
Federal Mandate	Program Expansion	Cost to Continue
GR Pick-Up	Space Request	Equipment Replacement
Pay Plan	<input checked="" type="checkbox"/> Other: <u>Contract Rate Adjustment</u>	

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 11511C
Division: Legal Services	
DI Name: Increased Contract Counsel Fees DI# 1151004	HB Section 12.400

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

MSPD is requesting an additional \$2,309,259 to increase private attorney fee rates paid in contracted cases.

In Fiscal Year 2018, MSPD spending authority for case contracting increased by \$4,500,000, nearly tripling our case contracting budget. These funds are used for contracting case conflicts to private attorneys. As a result MSPD increased the number of cases contracted to private attorneys from 3,938 in FY17 to 10,266 in FY18. In Fiscal Year 2019, 9,501 cases were contracted. Over thirteen percent (13%) of MSPD's total caseload was provided representation by private counsel. Eliminating or minimizing conflicts provides for more efficient use of staff attorney time by reducing time-consuming travel as well as providing critical caseload relief to an unconstitutionally overburdened system. Indigent defense in Missouri is now truly a public-private partnership.

However, despite the resulting need for more private attorneys to participate in MSPD's panel attorney program and despite significant recruiting efforts, as a result of low, outdated fees MSPD has been unable to significantly recruit additional private attorneys, with the number participating remaining around 230, leaving far too few private attorneys to handle the large number of cases we contract across the state. For instance there are no active panel attorneys in 65 of Missouri's counties. In many other counties there are too few, or too few with the necessary experience and willingness to handle serious cases. As a result, in order to provide coverage to the entire state, MSPD requires that panel attorneys sign up by Judicial Circuit rather than by County and frequently assigns cases to private attorneys more than 45 miles away, and sometimes significantly more. As a result of too many assignments to too few panel attorneys, the participating panel attorneys frequently remove themselves from the panel for a period of time because their caseloads have grown too large to be manageable.

In order to successfully continue this public-private partnership MSPD must be able to recruit and retain more panel attorneys. MSPD's current attorney fee schedule has remained the same for almost two decades, with no increase in compensation to private attorneys. Therefore, MSPD is requesting an increase in the fee rates paid to private attorneys. The resulting rates would continue to be significantly below market rate, but would be a meaningful increase, encouraging private attorneys to join and remain on MSPD's panel and to allow cases to be handled more expeditiously by having attorneys closer to the courts, to the incarcerated clients, and to the witnesses

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>11511C</u>
Division: Legal Services	
DI Name: Increased Contract Counsel Fees DI# <u>1151004</u>	HB Section <u>12.400</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Missouri State Public Defender Private Counsel Fee Schedule							
Case Type	Description	FY2020 Contract Rates	FY2021 Requested Contract Rates	Amount of Increase	Percentage of Increase	Projected FY2021 Cases Assigned	Additional FY2020 Costs
15	Murder 1st Degree	\$10,000	\$12,000	\$2,000	20.00%	36	\$71,846
62	Sexual Predator Trial	\$8,000	\$8,000	\$0	0.00%	1	\$0
62	Sexual Predator Hearing	\$4,000	\$4,000	\$0	0.00%	-	\$0
20	Other Homicide	\$6,000	\$7,000	\$1,000	16.67%	59	\$59,224
30D	AB Felony Drug	\$750	\$1,000	\$250	33.33%	119	\$29,855
30F	AB Felony Other	\$1,500	\$2,000	\$500	33.33%	652	\$326,219
30X	AB Felony Sex	\$2,000	\$2,500	\$500	25.00%	85	\$42,719
35D	CDE Felony Drug	\$750	\$1,000	\$250	33.33%	2,506	\$626,466
35F	CDE Felony Other	\$750	\$1,000	\$250	33.33%	3,438	\$859,479
35X	CDE Felony Sex	\$1,500	\$2,000	\$500	33.33%	24	\$12,136
45M	Misdemeanor	\$375	\$500	\$125	33.33%	1,153	\$144,177
50N	Juvenile - Non Violent	\$500	\$500	\$0	0.00%	69	\$0
50V	Juvenile - Violent	\$750	\$1,000	\$250	33.33%	32	\$8,010
65	Probation Violation	\$375	\$500	\$125	33.33%	1,023	\$127,915
110F & S	Direct Appeals - Felony & Misd.	\$3,750	\$3,750	\$0	0.00%	12	\$0
124A	Rule 24.035 Appeal	\$500	\$750	\$250	50.00%	-	\$0
124M	Rule 24.035 Motion	\$500	\$750	\$250	50.00%	5	\$1,214
129A	Rule 29.15 Appeal	\$1,875	\$1,875	\$0	0.00%	2	\$0
129M	Rule 29.15 Motion	\$1,000	\$1,000	\$0	0.00%	7	\$0
						9,224	\$2,309,259

NEW DECISION ITEM
 RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit	11511C
Division: Legal Services		
DI Name: Increased Contract Counsel Fees	DI# 1151004	HB Section 12.400

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
	0	0.0	0	0.0	0	0.0	0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
400 / Professional Costs	2,309,259						2,309,259		0
							0		0
Total EE	<u>2,309,259</u>		<u>0</u>		<u>0</u>		<u>2,309,259</u>		<u>0</u>
Program Distributions							0		0
Total PSD	<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>
Transfers									
Total TRF	<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>
Grand Total	<u>2,309,259</u>	0.0	0	0.0	0	0.0	2,309,259	0.0	0

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Contract Fee Rates - 1151004								
PROFESSIONAL SERVICES	0	0.00	0	0.00	2,309,259	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,309,259	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,309,259	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$2,309,259	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender				Budget Unit <u>15111C</u>																																																												
Division: Legal Services																																																																
DI Name: Constitutionally Mandated Representation <u>DI# 1151005</u>				HB Section <u>12.400</u>																																																												
1. AMOUNT OF REQUEST																																																																
FY 2021 Budget Request <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>PS</td> <td>431,856</td> <td>0</td> <td>0</td> <td>431,856</td> </tr> <tr> <td>EE</td> <td>72,050</td> <td>0</td> <td>0</td> <td>72,050</td> </tr> <tr> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>TRF</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>503,906</td> <td>0</td> <td>0</td> <td>503,906</td> </tr> </tbody> </table>					GR	Federal	Other	Total	PS	431,856	0	0	431,856	EE	72,050	0	0	72,050	PSD	0	0	0	0	TRF	0	0	0	0	Total	503,906	0	0	503,906	FY 2021 Governor's Recommendation <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>PS</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>EE</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>TRF</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		GR	Federal	Other	Total	PS	0	0	0	0	EE	0	0	0	0	PSD	0	0	0	0	TRF	0	0	0	0	Total	0	0	0	0
	GR	Federal	Other	Total																																																												
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Est. Fringe	<u>247,122</u>	<u>0</u>	<u>0</u>	<u>247,122</u>																																																												
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>																																																																
Other Funds:			Other Funds:																																																													
2. THIS REQUEST CAN BE CATEGORIZED AS:																																																																
New Legislation		New Program		Fund Switch																																																												
Federal Mandate		Program Expansion		Cost to Continue																																																												
GR Pick-Up		Space Request		Equipment Replacement																																																												
Pay Plan		<input checked="" type="checkbox"/>	Other: <u>Constitutionally Mandated Representation</u>																																																													
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.																																																																
<p>As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. Through budget requests, the media and eventually law suits, the Missouri State Public Defender (MSPD) has warned that the rights of poor Missourians are being violated throughout the state because MSPD's resources are too few and the caseloads too high. These claims were confirmed for both juveniles and adults.</p>																																																																

NEW DECISION ITEM
RANK: 5 **OF 5**

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Constitutionally Mandated Representation</u> <u>DI# 1151005</u>	HB Section <u>12.400</u>

Over the last couple of decades, the issue of Missouri Public Defender's workload has been the subject of five different studies: one by a Missouri Bar Task Force, two by *The Spangenberg Group*, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled *The Missouri Project*. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.

The most recent ABA study (in June of 2014), conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation as represented in the chart to the right).

To facilitate this review, MSPD became the first public defender system in the country to require its attorneys to track time in five minute increments. Applying the Delphi methodology, a proven business-analysis model, the ABA Report, "The Missouri Project", found that MSPD did not have nearly enough resources to meet its obligations and that a significant number of additional attorneys were needed.

When these case weights are applied to MSPD's caseload, the number of staff MSPD would need to meet its existing caseload is 327 additional attorneys (see case weight metrics). Of the 327 needed attorneys, 6 attorneys are requested in the Springfield Appellate Office and an additional 6 attorneys are requested as a small beginning effort to fully, adequately staff public defender offices.

ABA/RubinBrown Workload Study Hours Per Type of Case	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Legal Services	
DI Name: Constitutionally Mandated Representation <u>DI# 1451005</u>	HB Section 12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helped to reduce the public defender case overload, but it does not eliminate it. Assuming a consistent caseload, MSPD would still be 327 lawyers short of the number of attorneys needed according to the ABA—RubinBrown Missouri Project report. This number is determined by applying RubinBrown's average case weights to the number of cases for each case type assigned for Fiscal Year 2019. The number was calculated after all conflicts have been eliminated and contracted to private attorneys. Attorney travel time and court time were added to the RubinBrown metrics calculations, resulting in a total of 1,488,884 attorney hours required. Assuming 2,080 available attorney hours each year—696.50 attorneys would be required to provide effective, constitutional representation. The current number of Trial and Appellate Division attorneys is 369.50. There are 6 attorneys requested in a separate Springfield Appellate decision item; leaving 321 attorneys. Six attorneys are requested in this decision item as beginning to fully staff local public defender offices.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer. This allows the lawyer to focus on tasks that only a lawyer can do. Therefore, MSPD is requesting 1 legal assistant for every 3 attorneys; that would mean 107 legal assistants in order to meet that ratio for full funding. 2 legal assistants are requested in this decision item to staff the 6 attorneys requested.

Attorneys and support staff would be allocated to the most over-worked offices based on several factors including but not limited to: the RubinBrown caseload weights, problematic counties to practice in, difficult prosecutors to negotiate with, office space available, etc. The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances many counties are contracting with private attorneys to do so.

The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances many counties are contracting with private attorneys to do so.

NEW DECISION ITEM
 RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C								
Division: Legal Services										
DI Name: Constitutionally Mandated Representation <u>DI# 1451005</u>		HB Section 12.400								
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.										
Budget Object Class/Job Class		Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
C00200	Secretary	60,480	2.0					60,480	2.0	
C00400	Assistant Public Defender	371,376	6.0					371,376	6.0	
Total PS		431,856	8.0	0	0.0	0	0.0	431,856	8.0	0
140 / Travel		21,000						21,000		
190 / Supplies		3,350						3,350		
680 / Rent		15,200						15,200		
340 / Phone & Network Costs		9,600						9,600		
480 / Computer Equipment		9,400						9,400		
580 / Office Equipment		10,810						10,810		
590 / Other Equipment		2,690						2,690		
Total EE		72,050		0		0		72,050		0
Program Distributions								0		
Total PSD		0		0		0		0		0
Transfers										
Total TRF		0		0		0		0		0
Grand Total		503,906	8.0	0	0.0	0	0.0	503,906	8.0	0

Fiscal Year 2019 ASSIGNED CASES -
Trial & Appellate Division Caseload, Adjusted for Withdrawals, and Office Conflicts
MSPD to Retain All Cases That Are Not Conflicts

Does Not include Capital or CDU

Type Code	Case Type	Trial & Appellate Division Cases Entered	Trial & Appellate Division Cases Wait List	Adjusted for FY19 Withdrawn	1st Level Conflicts 41's, - Sending Office	1st Level Conflicts 41's, - Receiving Office	Conflicts Assigned to Private Counsel 42's	Conflicts Assigned to Private Counsel 49's	Trial & Appellate Adjusted Caseload NO CONFLICTS	RubinBrown Hours Required for Case Type	FY19 Required Hours
15	Murder 1st Degree	120	1	(21)			(4)	(1)	95	106.60	10,127
20	Other Homicide	166	3	(21)	(1)	(1)	(2)	(66)	78	106.60	8,315
30D	AB Felony Drug	362	24	(34)			(42)	(97)	213	47.60	10,139
30F	AB Felony Other	3,226	122	(326)	(3)	(3)		(545)	2,471	47.60	117,620
30X	AB Felony Sex	559	28	(79)			(4)	(60)	444	63.80	28,327
35D	CDE Felony Drug	12,043	1,271	(689)	(18)	(18)	(318)	(2,057)	10,214	25.00	255,350
35F	CDE Felony Other	19,768	1,722	(1,113)	(27)	(27)	(5)	(2,748)	17,570	25.00	439,250
35X	CDE Felony Sex	290	19	(34)				(27)	248	63.80	15,822
45M	Misdemeanor	8,754	1,118	(405)	(11)	(11)	(35)	(868)	8,542	11.70	99,941
45T	Misdemeanor - Traffic	1,333	218	(84)			(1)	(86)	1,380	11.70	16,146
50N	Juvenile - Non Violent	437	8	(34)	(1)	(1)	(4)	(58)	347	19.50	6,767
50S	Juvenile - Status	69	4	(2)			(1)	(8)	62	19.50	1,209
50V	Juvenile - Violent	352	18	(44)				(25)	301	19.50	5,870
60	552 Release Petitions	6	2	(1)					7	0.00	0
65F	Probation Violation - Felony	12,252	384	(538)	(5)	(5)	(31)	(748)	11,309	9.80	110,828
65M	Probation Violation - Misd	2,260	112	(89)			(4)	(116)	2,163	9.80	21,197
75	Special Writ	2		(12)					-10	0.00	0
110F	Direct Appeals - Felony	320	1	(11)	(4)	(4)	(2)		300	96.50	28,950
110S	Direct Appeal - Misdemeanor	19		(1)					18	96.50	1,737
124A	Rule 24.035 Appeal	138		(3)	(1)	(1)			133	96.50	12,835
124M	Rule 24.035 Motion	614	70	(24)	(3)	(3)	(1)	(5)	648	96.50	62,532
129A	Rule 29.15 Appeal	154		(4)	(4)	(4)			142	96.50	13,703
129M	Rule 29.15 Motion	202	7	(9)	(3)	(3)	(5)	(2)	187	96.50	18,046
Other	Other	68		(6)				(8)	54	0.00	0
	Totals	63,514	5,132	(3,584)	(81)	(81)	(459)	(7,525)	56,916	Case Hours	1,284,710

2019 Attorney Calculation
Trial and Appellate Division - Case Standards
Assuming All Conflicts to Private Counsel

Attorney Travel Time Per Year - Estimated from FY2016 Expense Reports	34,538.41
Attorney In Court Time - Estimated from FY2016 Time Log Data	129,636.33
Case Hours Required Per ABA/RubinBrown Study - January 2014	<u>1,284,709.80</u>
Total Attorney Hours Required Per Year	1,448,884.54
Attorney Hours Available Per Year	2,080.00
Number of Attorneys Required	696.58
Current Number of Trial & Appellate Division Attorneys (Authorized FTE) (Includes New Children's Defense Team Attorneys)	<u>(369.50)</u>
Number of Attorneys Needed to meet RubinBrown Standard	327.08

ABA/RubinBrown
Workload Study
Hours Per Type of Case

Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

**Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel
RubinBrown - 321 Attorneys
Fiscal Year 2021 Request 6 Attorneys**

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30	6.00
\$61,896	\$371,376
Legal Assistants - Range 15	2.00
\$30,240	\$60,480
	<u>8.00</u>
Total Personal Service	<u>\$431,856</u>
Expense & Equipment	
One-time Purchases	
Attorney Package	6.00
\$2,855	\$17,130
Legal Assistant Package	2.00
\$2,885	<u>\$5,770</u>
Total One-Time Purchases	<u>\$22,900</u>
On-Going Costs	
Attorneys	6.00
\$6,600	\$39,600
Legal Assistant	2.00
\$4,775	<u>\$9,550</u>
Total Personnel Related On-Going Costs	<u>\$49,150</u>
Total Expense and Equipment	<u>\$72,050</u>
Total Decision Item Request	\$503,906

Position Cost Detail for New FTE's

One Time Equipment Purchase

Attorneys

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

Support Staff

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

Detail for Projections

On-Going Costs - Trial & Appellate Divisions

Attorneys

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistants/Investigators

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Rep - 1151005								
SECRETARY	0	0.00	0	0.00	60,480	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	371,376	6.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	431,856	8.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	21,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	3,350	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	9,600	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	9,400	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	10,810	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	2,690	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	15,200	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	72,050	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$503,906	8.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$503,906	8.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY
Budget Unit

Decision Item	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLICT								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	4,721,072	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL - EE	4,721,072	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL	4,721,072	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,721,072	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 15151C

Division: Public Defender

Core: Litigation Expenses/Conflict Cases Core Request

HB Section 12.400

1. CORE FINANCIAL SUMMARY

	FY 2021 Budget Request			
	GR	Federal	Other	Total
PS		0	0	0
EE	4,721,071	0	0	4,721,071
PSD	0	0	0	0
TRF	0	0	0	0
Total	4,721,071	0	0	4,721,071

FTE **0.00** **0.00** **0.00** **0.00**

Est. Fringe **0** **0** **0** **0**

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

	FY 2021 Governor's Recommendation			
	GR	Federal	Other	Total
PS		0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE **0.00** **0.00** **0.00** **0.00**

Est. Fringe **0** **0** **0** **0**

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. CORE DESCRIPTION

This appropriation was established to cover three main types of expenses.

VIOLENT CRIMES: Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators.

LITIGATION EXPENSES: Litigation expenses costing over \$500 are paid out of the appropriation. These would include, but are not limited to, such things as independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.

CONFLICT CASES: A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. Should these co-defendants, each want to snitch on the other, an ethical problem is created and one defender office may not

CORE DECISION ITEM

Department: Office of the State Public Defender **Budget Unit** 15151C
Division: Public Defender
Core: Litigation Expenses/Conflict Cases Core Request **HB Section** 12.400

3. PROGRAM LISTING (list programs included in this core funding)

The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

4. FINANCIAL HISTORY

	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Current Yr.
Appropriation (All Funds)	3,721,071	4,721,071	4,721,071	4,721,071
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	3,721,071	4,721,071	4,721,071	4,721,071

Actual Expenditures (All Funds)	3,721,071	4,721,002	4,721,071	N/A
Unexpended (All Funds)	0	69	0	N/A

Unexpended, by Fund:

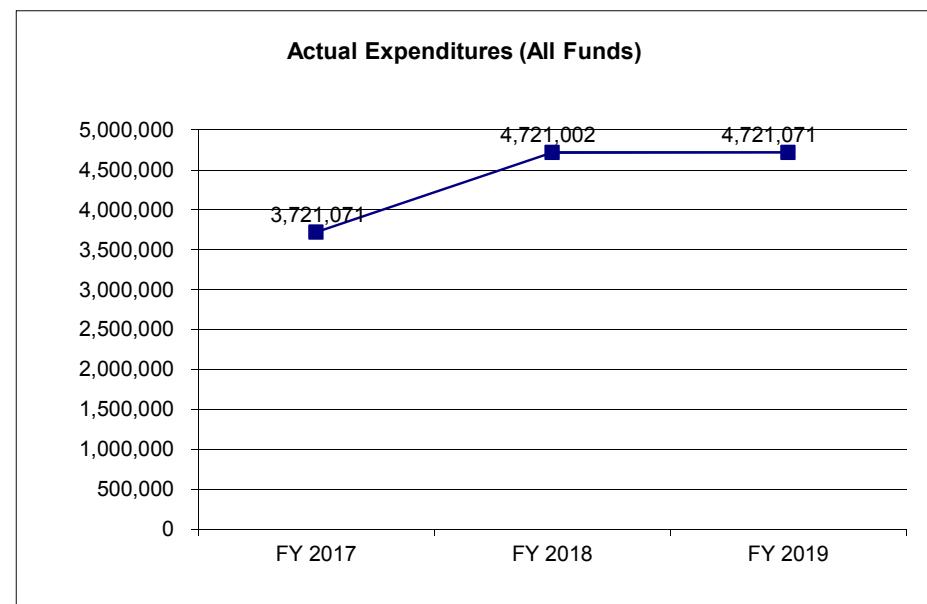
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Current Year restricted amount is \$0.00 as of September 20, 2019.

Reverted includes the statutory three percent reserve amount (when applicable).

Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLICT								
CORE								
TRAVEL, IN-STATE	291,260	0.00	265,000	0.00	290,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	74,001	0.00	55,000	0.00	70,000	0.00	0	0.00
FUEL & UTILITIES	5,072	0.00	5,000	0.00	5,000	0.00	0	0.00
SUPPLIES	22,363	0.00	25,000	0.00	22,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	22,297	0.00	20,000	0.00	22,500	0.00	0	0.00
PROFESSIONAL SERVICES	4,058,796	0.00	4,095,571	0.00	4,052,071	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,138	0.00	2,500	0.00	2,000	0.00	0	0.00
M&R SERVICES	6,114	0.00	7,000	0.00	6,000	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	15,000	0.00	10,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	232,438	0.00	225,000	0.00	232,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,402	0.00	1,500	0.00	1,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	5,191	0.00	1,500	0.00	5,000	0.00	0	0.00
TOTAL - EE	4,721,072	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,721,072	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$4,721,072	0.00	\$4,721,071	0.00	\$4,721,071	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit Decision Item Budget Object Summary Fund	FY 2019 ACTUAL DOLLAR	FY 2019 ACTUAL FTE	FY 2020 BUDGET DOLLAR	FY 2020 BUDGET FTE	FY 2021 DEPT REQ DOLLAR	FY 2021 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	136,012	1.87	138,890	2.00	138,890	2.00	0	0.00
TOTAL - PS	136,012	1.87	138,890	2.00	138,890	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,389,981	0.00	2,600,756	0.00	2,612,006	0.00	0	0.00
TOTAL - EE	1,389,981	0.00	2,600,756	0.00	2,612,006	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	32,113	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	32,113	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL	1,558,106	1.87	2,989,646	2.00	3,000,896	2.00	0	0.00
Pay Plan FY20-Cost to Continue - 0000013								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	2,053	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	2,053	0.00	0	0.00
TOTAL	0	0.00	0	0.00	2,053	0.00	0	0.00
Mileage Reimburse Rate Incr - 0000015								
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	11,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	11,250	0.00	0	0.00
TOTAL	0	0.00	0	0.00	11,250	0.00	0	0.00
GRAND TOTAL	\$1,558,106	1.87	\$2,989,646	2.00	\$3,014,199	2.00	\$0	0.00

CORE DECISION ITEM

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15141C</u>			
Division: <u>Public Defender</u>				
Core: <u>Legal Defense and Defender Fund - Core Request</u>	HB Section <u>12.400</u>			
1. CORE FINANCIAL SUMMARY				
	FY 2021 Budget Request			
	GR	Federal	Other	Total
PS	0	0	138,890	138,890
EE	0	0	2,862,006	2,862,006
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	3,000,896	3,000,896
FTE	0.00	0.00	2.00	2.00
<i>Est. Fringe</i>	0	0	71,708	71,708
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:				
2. CORE DESCRIPTION				
<p>As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.</p>				
3. PROGRAM LISTING (list programs included in this core funding)				
<p>There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender System.</p>				

CORE DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 15141C

Division: Public Defender

Core: Legal Defense and Defender Fund - Core Request

HB Section 12.400

4. FINANCIAL HISTORY

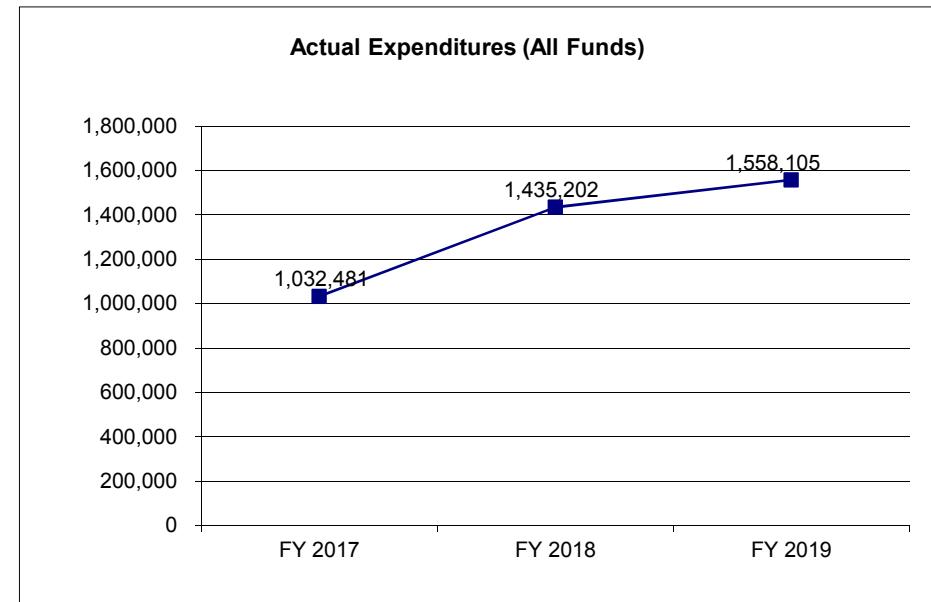
	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Current Yr.
Appropriation (All Funds)	2,985,943	2,985,943	2,986,768	3,000,896
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	2,985,943	2,985,943	2,986,768	3,000,896
Actual Expenditures (All Funds)	1,032,481	1,435,202	1,558,105	N/A
Unexpended (All Funds)	1,953,462	1,550,741	1,428,663	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Current Year restricted amount is \$0.00 as of September 20, 2019.

Reverted includes the statutory three percent reserve amount (when applicable).

Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	93,145	0.85	97,374	1.00	97,374	1.00	0	0.00
PROGRAM TECHNICIAN	42,867	1.02	41,516	1.00	41,516	1.00	0	0.00
TOTAL - PS	136,012	1.87	138,890	2.00	138,890	2.00	0	0.00
TRAVEL, IN-STATE	402,372	0.00	784,000	0.00	511,250	0.00	0	0.00
TRAVEL, OUT-OF-STATE	63,770	0.00	75,000	0.00	75,000	0.00	0	0.00
SUPPLIES	140,573	0.00	35,000	0.00	150,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	214,943	0.00	185,000	0.00	215,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	2,216	0.00	160,000	0.00	160,000	0.00	0	0.00
PROFESSIONAL SERVICES	27,742	0.00	125,000	0.00	125,000	0.00	0	0.00
M&R SERVICES	291,374	0.00	375,000	0.00	375,000	0.00	0	0.00
COMPUTER EQUIPMENT	19,071	0.00	320,756	0.00	400,000	0.00	0	0.00
MOTORIZED EQUIPMENT	0	0.00	25,000	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	26,192	0.00	195,000	0.00	248,256	0.00	0	0.00
OTHER EQUIPMENT	1,171	0.00	75,000	0.00	75,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	7,500	0.00	1,000	0.00	7,500	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	42,341	0.00	45,000	0.00	45,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	150,716	0.00	200,000	0.00	200,000	0.00	0	0.00
TOTAL - EE	1,389,981	0.00	2,600,756	0.00	2,612,006	0.00	0	0.00
REFUNDS	32,113	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	32,113	0.00	250,000	0.00	250,000	0.00	0	0.00
GRAND TOTAL	\$1,558,106	1.87	\$2,989,646	2.00	\$3,000,896	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,558,106	1.87	\$2,989,646	2.00	\$3,000,896	2.00		0.00

STATE OF MISSOURI
FUND FINANCIAL SUMMARY

DEPARTMENT: Office of the State Public Defender
 FUND NAME: Legal Defense & Defender Fund
 FUND NUMBER: 0670

Statutory _____
 Constitutional _____

Federal Fund
 Administratively Created
 Interest Deposited To Fund

Subject To Biennial Sweep
 Subject to Other Sweeps (see Notes)

FUND OPERATIONS	FY 2019 ADJUSTED APPROP	FY 2019 ACTUAL SPENDING	FY 2020 ADJUSTED APPROP	FY 2021 REQUESTED	FY 2021 GOVERNOR RECOMMEND
BEGINNING CASH BALANCE	673,039	673,039	426,136	230,771	230,771
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	1,390,732	1,390,732	1,398,525	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	<u>1,390,732</u>	<u>1,390,732</u>	<u>1,398,525</u>	<u>0</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	<u>2,063,771</u>	<u>2,063,771</u>	<u>1,824,661</u>	<u>230,771</u>	<u>230,771</u>
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,558,105	1,513,890	0	0
TRANSFER APPROPS	0	79,530	80,000	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	<u>0</u>	<u>1,637,635</u>	<u>1,593,890</u>	<u>0</u>	<u>0</u>
BUDGET BALANCE	2,063,771	426,136	230,771	230,771	230,771
UNEXPENDED APPROPRIATION *	(1,637,635)	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	426,136	426,136	230,771	230,771	230,771
FUND OBLIGATIONS					
ENDING CASH BALANCE	426,136	426,136	230,771	230,771	230,771
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
UNOBLIGATED CASH BALANCE	426,136	426,136	230,771	230,771	230,771

NEW DECISION ITEM
RANK: 2 OF 5

Department:Office of the State Public Defender		Budget Unit <u>15141C</u>																																																														
Division: Office of the State Public Defender																																																																
DI Name	Pay Plan - FY 2020 Cost to Continue	DI#	0000013																																																													
		HB Section	12.400																																																													
1. AMOUNT OF REQUEST																																																																
<table border="1"> <thead> <tr> <th colspan="4">FY 2021 Budget Request</th> <th colspan="4">FY 2021 Governor's Recommendation</th> </tr> <tr> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>PS</td> <td>2,053</td> <td>0</td> <td>0</td> <td>2,053</td> <td>PS</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>EE</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>EE</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>TRF</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>TRF</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>2,053</td> <td>0</td> <td>0</td> <td>2,053</td> <td>Total</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>				FY 2021 Budget Request				FY 2021 Governor's Recommendation				GR	Federal	Other	Total	GR	Federal	Other	Total	PS	2,053	0	0	2,053	PS	0	0	0	EE	0	0	0	0	EE	0	0	0	PSD	0	0	0	0	PSD	0	0	0	TRF	0	0	0	0	TRF	0	0	0	Total	2,053	0	0	2,053	Total	0	0	0
FY 2021 Budget Request				FY 2021 Governor's Recommendation																																																												
GR	Federal	Other	Total	GR	Federal	Other	Total																																																									
PS	2,053	0	0	2,053	PS	0	0	0																																																								
EE	0	0	0	0	EE	0	0	0																																																								
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Total	2,053	0	0	2,053	Total	0	0	0																																																								
FTE <u>0.00</u> <u>0.00</u> <u>0.00</u> <u>0.00</u>				FTE <u>0.00</u> <u>0.00</u> <u>0.00</u> <u>0.00</u>																																																												
Est. Fringe	659	0	0	659	Est. Fringe	0	0	0																																																								
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.				Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.																																																												
Other Funds:				Other Funds:																																																												
2. THIS REQUEST CAN BE CATEGORIZED AS:																																																																
<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch																																																														
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue																																																														
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement																																																														
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other:																																																															
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.																																																																
<p>The FY 2020 budget includes appropriation authority for a 3% pay increase for employees beginning January 1, 2020. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2021.</p>																																																																

NEW DECISION ITEM
RANK: 2 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15141C</u>
Division: Office of the State Public Defender	
DI Name <u>Pay Plan - FY 2020 Cost to Continue</u>	DI# <u>0000013</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 2020 pay plan was based on a 3% pay increase for employees beginning January 1, 2020. The Fiscal Year 2021 requested amount is equivalent to the remaining six months in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time DOLLARS
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
100-Salaries and Wages	2,053						0	2,053	0.0
Total PS	2,053	0.0	0	0.0	0	0.0	2,053	0.0	0
Grand Total	2,053	0.0	0	0.0	0	0.0	2,053	0.0	0

Cost to Continue Fiscal Year 2020 Pay Plan
Training - Legal Defense & Defender Fund

Job Class	Number of FTE	FY 2021 Cost to Continue
Division Director	1.00	\$614.00
Program Technician	1.00	\$1,439.00
	2.00	\$2,053

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
Pay Plan FY20-Cost to Continue - 0000013								
DIVISION DIRECTOR	0	0.00	0	0.00	1,439	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	614	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	2,053	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,053	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$2,053	0.00		0.00

NEW DECISION ITEM

RANK: 2 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C																													
Division: Public Defender																															
DI Name	Mileage Reimbursement Rate Increase	DI#	0000015																												
		HB Section 12.400																													
1. AMOUNT OF REQUEST																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">FY 2021 Budget Request</th> </tr> <tr> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>PS</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>EE</td> <td>0</td> <td>0</td> <td>11,250</td> </tr> <tr> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>TRF</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>11,250</td> </tr> </tbody> </table>				FY 2021 Budget Request				GR	Federal	Other	Total	PS	0	0	0	EE	0	0	11,250	PSD	0	0	0	TRF	0	0	0	Total	0	0	11,250
FY 2021 Budget Request																															
GR	Federal	Other	Total																												
PS	0	0	0																												
EE	0	0	11,250																												
PSD	0	0	0																												
TRF	0	0	0																												
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Est. Fringe	0	0	0																												
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>																															
Other Funds:		Other Funds:																													
2. THIS REQUEST CAN BE CATEGORIZED AS:																															
New Legislation	New Program	Fund Switch																													
Federal Mandate	Program Expansion	Cost to Continue																													
GR Pick-Up	Space Request	Equipment Replacement																													
Pay Plan	<input checked="" type="checkbox"/> Other:	Mileage Reimbursement Rate Increase																													
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.																															
<p>Departments were appropriated FY 2020 funding for a \$.06 increase in the mileage reimbursement rate, from \$.37 to \$.43, the first year of a proposed three-year \$.18 increase. This request is for an additional \$.06 increase, which would bring the mileage reimbursement rate to \$.49.</p>																															

NEW DECISION ITEM
 RANK: 2 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
DI Name Mileage Reimbursement Rate Increase	DI# 0000015
	HB Section 12.400
4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)	

This request will increase the State of Missouri mileage reimbursement rate from \$.43 to \$.49. As can be seen in the table below, the current federal mileage reimbursement rate is \$.58.

Mileage Reimbursement Rates

	Jan. 1, 2013 - Dec. 31, 2013	Jan. 1, 2014 - Dec. 31, 2014	Jan. 1, 2015 - Dec. 31, 2015	Jan. 1, 2016 - Dec. 31, 2016	Jan. 1, 2017 - Dec. 31, 2017	Jan. 1, 2018 - Dec. 31, 2018	Jan. 1, 2019 - June 30, 2019	July 1, 2019 - June 30, 2020
IRS	56.5	56	57.5	54	53.5	54.5	58	58
State of Missouri	37	37	37	37	37	37	37	43

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time DOLLARS
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Travel /140					11,250		11,250		0
									0
Total EE	0		0		11,250		11,250		0
Grand Total	0	0.0	0	0.0	11,250	0.0	11,250	0.0	0

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
Mileage Reimburse Rate Incr - 0000015								
TRAVEL, IN-STATE	0	0.00	0	0.00	11,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	11,250	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$11,250	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$11,250	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Summary	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
FUND TRANSFERS								
DEBT OFFSET ESCROW	1,101,645	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL - TRF	1,101,645	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL	1,101,645	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
GRAND TOTAL	\$1,101,645	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$0	0.00

CORE DECISION ITEM

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15161C</u>																															
Division: <u>Public Defender</u>																																
Core: <u>Debt Offset Escrow Fund</u>	HB Section <u>12.400</u>																															
1. CORE FINANCIAL SUMMARY																																
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	GR	Federal	Other	Total																												
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Other Funds:	Other Funds:																															
2. CORE DESCRIPTION																																
<p>As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.</p>																																
3. PROGRAM LISTING (list programs included in this core funding)																																
<p>There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender System.</p>																																

CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Public Defender
Core: Debt Offset Escrow Fund

Budget Unit 15161C

HB Section 12.400

4. FINANCIAL HISTORY

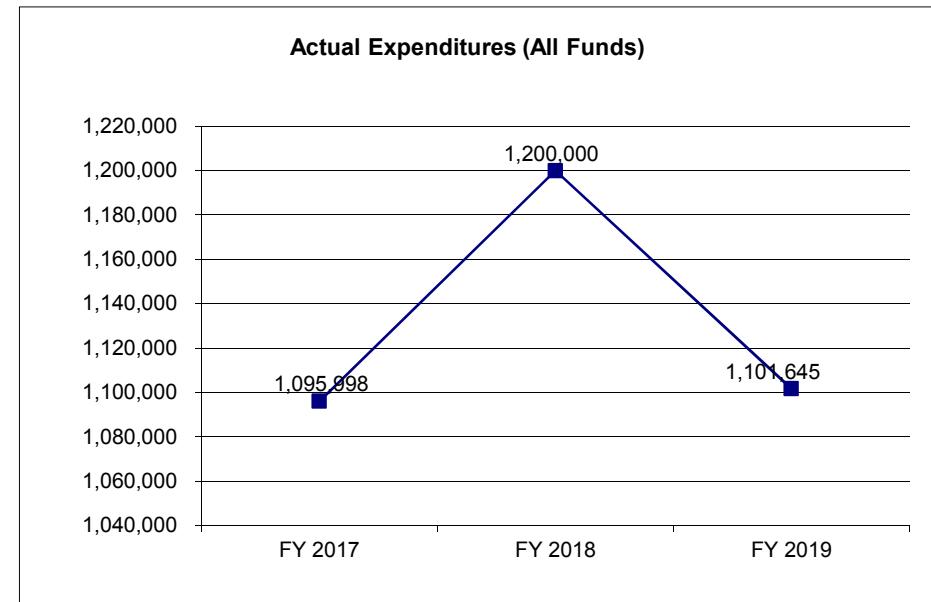
	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Current Yr.
Appropriation (All Funds)	1,200,000	1,200,000	1,700,000	1,700,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	<u>1,200,000</u>	<u>1,200,000</u>	<u>1,700,000</u>	<u>1,700,000</u>
Actual Expenditures (All Funds)	1,095,998	1,200,000	1,101,645	N/A
Unexpended (All Funds)	<u>104,002</u>	<u>0</u>	<u>598,355</u>	<u>N/A</u>
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Current Year restricted amount is \$0.00 as of September 20, 2019.

Reverted includes the statutory three percent reserve amount (when applicable).

Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
TRANSFERS OUT	1,101,645	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL - TRF	1,101,645	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
GRAND TOTAL	\$1,101,645	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,101,645	0.00	\$1,700,000	0.00	\$1,700,000	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM SUMMARY

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Summary	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
Increase Federal & Other Auth. - 1151006								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL - PD	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL	0	0.00	0	0.00	500,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$625,000	0.00	\$0	0.00

CORE DECISION ITEM

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15131C</u>																															
Division: <u>Public Defender</u>																																
Core: <u>Federal & Other Core</u>	HB Section <u>12.400</u>																															
1. CORE FINANCIAL SUMMARY																																
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<i>Est. Fringe</i>	0	0	0	0	<i>Est. Fringe</i>	0	0	0	0																							
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.		Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.																														
Other Funds:		Other Funds:																														
2. CORE DESCRIPTION																																
Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year2019 to assist in funding the State Public Defender System.																																
3. PROGRAM LISTING (list programs included in this core funding)																																
There are no separate programs within this appropriation. Dollars made available to this fund will assist in funding the Missouri State Public Defender System.																																

CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Public Defender
Core: Federal & Other Core

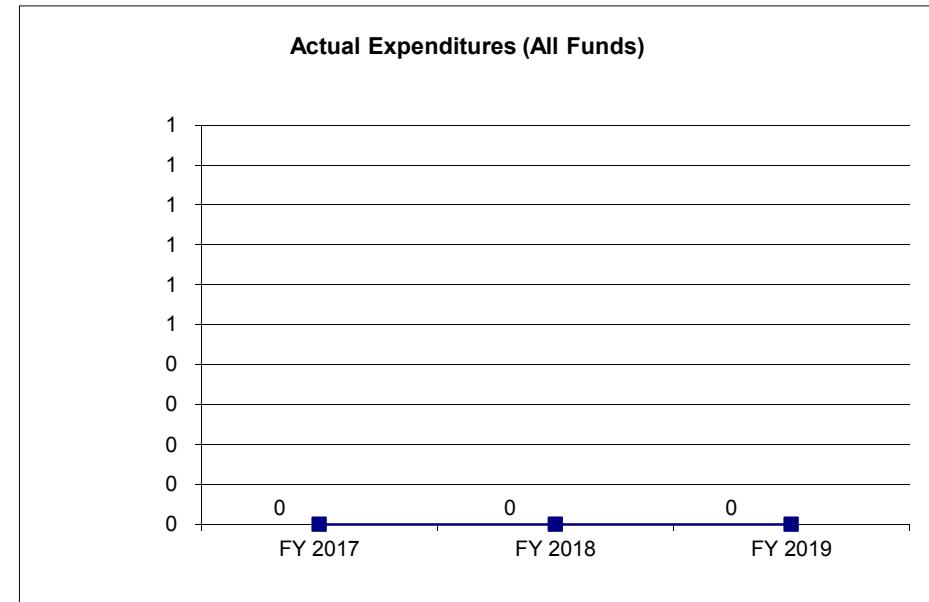
Budget Unit 15131C

HB Section 12.400

4. FINANCIAL HISTORY

	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>
Actual Expenditures (All Funds)	0	0	0	N/A
Unexpended (All Funds)	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Current Year restricted amount is \$0.00 as of September 20, 2019.



Reverted includes the statutory three percent reserve amount (when applicable).

Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM																																																												
RANK: <u>5</u>		OF <u>5</u>																																																										
Department: Office of the State Public Defender		Budget Unit <u>15131C</u>																																																										
Division: Public Defender																																																												
DI Name: Increased Spending Authority		1151006	HB Section <u>12.400</u>																																																									
1. AMOUNT OF REQUEST																																																												
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<p><i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i></p>																																																												
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<p>2. THIS REQUEST CAN BE CATEGORIZED AS:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">New Legislation</td> <td style="width: 33%;">New Program</td> <td style="width: 33%;">Fund Switch</td> </tr> <tr> <td>Federal Mandate</td> <td>Program Expansion</td> <td>Cost to Continue</td> </tr> <tr> <td>GR Pick-Up</td> <td>Space Request</td> <td>Equipment Replacement</td> </tr> <tr> <td>Pay Plan</td> <td><input checked="" type="checkbox"/> Other: <u>Spending Authority</u></td> <td></td> </tr> </table>					New Legislation	New Program	Fund Switch	Federal Mandate	Program Expansion	Cost to Continue	GR Pick-Up	Space Request	Equipment Replacement	Pay Plan	<input checked="" type="checkbox"/> Other: <u>Spending Authority</u>																																													
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<p>3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.</p>																																																												
<p>MSPD is requesting an additional \$500,000 to increase MSPD's spending authority should Federal or other funds become available during Fiscal Year 2021. Funds would be used as the discretion of the Director or the State Public Defender Commission for the operation of the department, including, but not limited to, training, legal research, one-time equipment purchases, office moves, private attorney fees or other critical needs</p>																																																												

NEW DECISION ITEM									
RANK: <u>5</u>					OF <u>5</u>				
Department: Office of the State Public Defender					Budget Unit <u>15131C</u>				
Division: Public Defender									
DI Name: Increased Spending Authority <u>1151006</u>					HB Section <u>12.400</u>				
<p>4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)</p>									
<p>5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.</p>									
Budget Object Class/Job Class	Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time DOLLARS
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Total EE	0	0	0	0	0	0	0	0	0
Program Distributions					500,000		500,000		
Total PSD	0	0	0	0	500,000		500,000		0
Transfers									
Total TRF	0	0	0	0	0		0		0
Grand Total	0	0.0	0	0.0	500,000	0.0	500,000	0.0	0

OFFICE OF THE STATE PUBLIC DEFENDER
DECISION ITEM DETAIL

Budget Unit	FY 2019	FY 2019	FY 2020	FY 2020	FY 2021	FY 2021	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
Increase Federal & Other Auth. - 1151006								
PROGRAM DISTRIBUTIONS	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL - PD	0	0.00	0	0.00	500,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$500,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$500,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00